

RECEIPT # 52326
 AMOUNT \$ 50.00
 SUMMONS ISSUED NC
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED _____
 BY DPTY. CLK. Kim Aboud
 DATE 12-9-03

**UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS**

FILED
 IN CLERKS OFFICE

2003 DEC -9 A 11:45

U.S. DISTRICT COURT
 DISTRICT OF MASS.

GARY ADDIVINOLA
 Plaintiff,

vs.

THE HOME DEPOT USA, INC.
 Defendant.

CIVIL ACTION NO.

03-19476 REK

MAGISTRATE JUDGE Jew

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT

TO: Chief Judge and Judges of the
 United States District Court
 For the District of Massachusetts

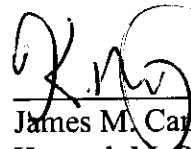
The Defendant, Home Depot USA, Inc. ("Home Depot") files a Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 in connection with the above-captioned action. As grounds for its Notice of Removal, Home Depot states as follows:

1. This action is now pending before the Middlesex Superior Court.
2. Home Depot received service of the complaint on November 13, 2003.
3. In the complaint (a copy of which is attached hereto as Exhibit A), the plaintiff asserts that he is a resident of Revere, Massachusetts.
4. In the complaint, the plaintiff alleges that he "suffered a crushing fracture of his back causing him great pain of body and mind, incurred substantial medical expenses, and has suffered an impairment to his earning capacity." (Exhibit A).
5. Home Depot is a Delaware corporation with a principal place of business in Atlanta, Georgia.

6. Jurisdiction is founded on the complete diversity of citizenship between the plaintiff and the defendant. Given the plaintiff's allegations, Home Depot believes that the amount in controversy exceeds \$75,000 exclusive of interests and costs.
7. This notice is filed within 30 days of Home Depot becoming aware of the diversity of the parties.

WHEREFORE, Home Depot USA, Inc. requests that this action be removed from the Middlesex Superior Court to the United States District Court for the District of Massachusetts.

HOME DEPOT USA, INC.,
By its attorneys,
CAMPBELL CAMPBELL & EDWARDS
PROFESSIONAL CORPORATION

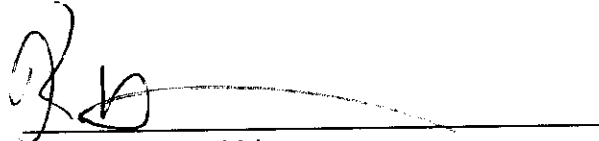


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One Constitution Plaza
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(617) 241-3000

CERTIFICATE OF SERVICE

I certify that on December 5, 2003, a true copy of the above document was sent by first class mail, postage prepaid to the plaintiff's counsel:

Donna L. Baron, Esq
MANELIS, BERESON & BARON
929 Worcester Road
Framingham, MA 01701


Kenneth M. Robbins